[Mr. K. Parameswaran Pillai.]

resolutions are not *substantially identical*, and therefore, this resolution can be discussed.

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): As was already observed, Mr. Kumaran's resolution dealt with only particular roads, *viz.*, roads round the Vaikam temple and other roads similarly situated. Mr. Subba Aiyar said that the question of vested rights has already been discussed and that the House has given its decision in the matter. I say, there is absolutely no question of vested right involved in the matter. It was only the question of custom. The question was whether according to custom the temple roads could be thrown open to all classes. It was entirely a question of custom.

PRESIDENT: May I know the difference between custom and vested right?

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): In the case of vested rights, they can only relate to the rights of particular individuals to make *use* of particular property. There can be no vested right for *excluding* others. It was only a question of custom that was discussed the other day. Vested rights relate always to the rights of people for *exercising* their right over some thing, and never for *excluding* others from doing anything. With respect to this question I submit that the question of the roads relating to the temples has already been discussed. The question relating to roads maintained from public funds such as the streets in Myladi has already been discussed. Apart from those arguments which have been advanced in support of roads relating to temples, there might be other arguments with regard to the opening of roads which may be discussed. I, therefore, think that this resolution may be allowed to be discussed.

PRESIDENT: I have heard the arguments and I have considered the matter. Mr. Sankara Menon was making a mistake. He says that the resolution in order to be ruled out should be identical with the resolution on which a decision has already been taken. What the rule says is that the resolution should not raise a question *substantially* identical with the one on which a decision has been given already. Taking the language of the rule into consideration, it seems to me that the identical questions raised by this resolution were raised, discussed and decided upon in the House in connection with the previous resolution. Therefore, this resolution is substantially identical with that and is not in order. That is my ruling.

We will now pass on to the next resolution.

Resolution re. Statutory Enactment of Service Regulations.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): I do not move the resolution standing against my name.

The following resolution was not moved:

"This Council recommends to the Government that the Civil Service Regulations be made statutory."

LIBRARY ARCHIVES Kerala Legislative Assembly